Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1973

No. 73-1452

STATE OF OREGON,

Petitioner,

v.

WILLIAM ROBERT HASS,

Respondent.

RESPONSE TO WRIT OF CERTIORARI IN THE SUPREME COURT OF THE STATE OF OREGON

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RESPONSE TO PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE UNITED STATES

The Respondent, William Robert Hass, contends that the Supreme Court of the United States has no jurisdiction to review the final Order of the highest Court of the State, under 28 USC Section 1257, subsection 3.

STATEMENT OF THE CASE

The Respondent accepts the statement of the case as set out by the Petitioner as being accurate.

REASONS FOR DENYING THE WRIT

In order for the Supreme Court to review the

judgment of the highest Court of the State of Oregon, the Petitioner would necessarily have to be one to whom the statute or constitutional provision applies and who was adversely affected by its interpretation. The State of Oregon has raised constitutional provisions that are designed to protect the defendant in criminal cases and have raised their construction by the Oregon Supreme Court as the basis for jurisdiction in the Supreme Court of the United States. This is contrary to the principal set out in Voeller vs. Neilspon Warehouse Company, 61 S. Ct. 376, 311 U.S. 531, 85 L. Ed. 322.

The constitutional provisions that are declared by the Petitioner to be the basis of their Writ of Certiorari are as follows:

> "No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law."

Said provision clearly protects the defendant in a criminal case and there is nothing in Petitioner's brief that would indicate that the State of Oregon was ever compelled in any criminal case to be a witness against themselves, nor was there anything in said brief to indicate that the State of Oregon was ever deprived

of life, liberty or property without due process of law unless they would feel that a conviction in a Circuit Court gives them some property right or interest in a criminal defendant. Such a construction is not within the realm of reason.

The other constitutional provision provides,

> "nor shall any state deprive any person of life, liberty or property without due process of law."

Again, there is nothing in Petitioner's brief that would in any way indicate that the State of Oregon (even if the State of Oregon could be construed as a person) was denied any life, liberty or property without due process of law since the decision was rendered in the highest court in Oregon.

The Supreme Court of Oregon has adopted an intrepretation to the confession or admission cases that is more restrictive to the State prosecutor than has been interpreted by the Federal cases (assuming that Petitioner's argument is correct that there is no real difference between the case in issue and the cases presented through past Oregon decisions and recent Federal cases). State vs. Brewton, 247 Or. 241, 422 P 2d. 581 Certiorari denied 387 U.S. 943 (1967; Harris vs. New York, 401 U.S. 222 (1971). This interpreta-

tion by the Oregon Supreme Court should in no way subject the defendant to the jurisdiction of the Supreme Court of the United States since there has been no showing that the decision is repugnant to the Constitution of the United States or that there is any injured party involved in the Writ of Certiorari.

For those reasons the Writ of Certiorari should be denied.

Respectfully submitted,

June, 1974

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